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# THE LAWS AND LIBERTIES OF MASSACHUSETTS

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With an Introduction by

MAX FARRAND

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BOOK OF THE GENERAL

### LAUUES AND LIBERTYES

CONCERNING THE INHABITANTS OF THE MASSACHUSETS
(OLLECTED OUT OF THE "RECORDS OF THE GENERAL COUNT
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AND ESTABLISHED.

And have revited by the fame Court and disposed into an Alphabetical order and published by the fame Authorite in the General Court held at Possus the fourcerth of the fame of the fact through whose

Whosever there some resistant the power, resistent the ordinance of God. and they that resist receive the heavest dammasson. Romanes 13.2.



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THE BOOK OF THE GENERAL

#### LAUUES AND LIBERTYES

CONCERNING THE INHABITANTS OF THE MASSACHUSETS

COLLECTED OUT OF THE RECORDS OF THE GENERAL COURT

FOR THE SEVERAL YEARS WHERIN THEY WERE MADE

AND ESTABLISHED,

And now revifed by the fame Court and disposed into an Alphabetical order and published by the fame Authoritic in the General Court held at Boston the fourteenth of the first month Anno 1647.

Who follows therefore refilleth the power, refilleth the ordinance of God, and they that refil receive to themselves damnation. Romanes 13.2.



CAMBRIDGE.

Printed according to order of the GENERAL COURT.

1648.

And are to be folde at the shop of Hezekiah Usher in Boston.

## TO OUR BELOVED BRETHREN AND NEIGHBOURS the Inhabitants of the Maffachusets, the Governour, Assistants and Deputies assembled in the Generall Court of that

Jurisdiction wish grace and peace in our Lord Jesus Christ.

S O foon as God had fet up Politicall Government among his people Ifrael hee gave them a body of lawes for judgement both in civil and criminal causes. These were breif and fundamental principles, yet withall so full and comprehensive as out of them clear deductions were to be drawne to all particular cases in future times.

For a Common-wealth without lawes is like a Ship without rigging and steeradge. Nor is it sufficient to have principles or fundamentalls, but these are to be drawn out into so many of their deductions as the time and condition of that people may have use of. And it is very unsafe & injurious to the body of the people to put them to learn their duty and libertie from generall rules, nor is it enough to have lawes except they be also just. Therefore among other priviledges which the Lord bestowed upon his peculiar people, these he calls them specially to consider of, that God was neerer to them and their lawes were more righteous then other nations. God was fayd to be amongst them or neer to them because of his Ordnances established by himselfe, and their lawes righteous because himselfe was their Law-giver: yet in the comparison are implyed two things, first that other nations had somthing of Gods presence amongst them. Secondly that there was also somwhat of equitie in their lawes, for it pleased the Father (upon the Covenant of Redemption with his Son) to restore somuch of his Image to lost man as whereby all nations are disposed to worship God, and to advance righteousnes: which appears in that of the Apostle Rom. 1. 21. They knew God &c: and in the 2. 14. They did by nature the things conteined in the law of God. But the nations corrupting his Ordinances (both of Religion, and Justice) God withdrewhis presence from them proportionably whereby they were given up to abominable lusts Rom. 2. 21. Wheras if they had walked according to that light & lavo of nature they might have been preferved from such moral evils and might have injoyed a common bleffing in all their natural and civil Ordinances: now, if it might have been fo with the nations who were so much strangers to the Covenant of Grace, what advantage bave they who have interest in this Covenant, and may injoye the special presence of God in the puritie and native simplicitie of all his Ordinances by which he is so neer to his owne people. This hath been no fmall priviledge, and advantage to us in New-England that our Churches, and civil State have been planted, and growne up (like two twoinnes) together like that of Ifrael in the wildernes by which wee were put in minde (and had opportunitie put into our hands) not only to gather our Churches, and set up the Ordinances of Christ Jesus in them according to the Apostolick patterne by fuch light as the Lord graciously afforded us; but also withall to frame our civil Politie, and lawes according to the rules of his most holy word whereby each do help and strengthen other (the Churches the civil Authoritie, and the civil Authoritie the Churches) and fo both prosper the better without such amulation, and contention for priviledges or priority as have proved the mifery (if not ruine) of both in some other places.

For this end about nine years since wee used the help of some of the Elders of our Churches to compose a modell of the Iudiciall lawes of Moses with such other cases as might be referred to them, with intent to make use of them in composing our lawes, but not to have them published as the lawes of this Jurisdiction: nor were they voted in Court. For that book intitled The Liberties &c: published about seven years since (which conteines also many lawes and orders both for civil & criminal causes, and is commonly (though without ground) reported to be our Fundamentalls that wee owne as established by Authoritie of this Court, and that after three years experience & generall approbation: and accordingly we have inserted them into this volume under the severall heads to which they belong yet not as sundamentalls, for diversof them have since been repealed, or altered, and more may justly be (at least) amended heerafter as surther experience shall discover desease or inconveniences for Nihil simul natum et persectum.

The fame must be fay of this prefent Volume, we have not published it as a perfect body of land to short the fact of the same and the s sufficient to carry on the Government established for future times, nor could it be expected that we should examine the Government established for future times, nor could it be expected that we found promise fuch a thing. For if it be no disparagement to the nisedom of that Hist Court of Parliament in Eveland h.m. Court of Parliament in England that in four hundred years they could not fo compile that lakes, and results to the following the court of the court lares, and regulate proceedings in Courts of justice Ge but that they had fill into rook to be found in the fame kinds almos coloring in Courts of justice Ge but that they had fill into rook to the fame kinds almos coloring in Courts of justice Ge but that they had fill into rook to the fame kinds almos coloring to the fame kind of the same kinds almost every Parliament: there can be no sufficient to blame a poor Colonial terms with a sufficient with a most colonial terms. (being unfamilied of Lawyers and Statesment: there can be no just earlie to blame a poor nor butter rules for a mod. Lawyers and Statesmen) that in eighteen years hath produced we may have you (can nor better rules for a good, and fetled Government then this Book halds for the nor have you (call Bretheren and No. 14. Bretheren and Neighbours any cause, whether you look halds for the norman state County, lake your alternation and said for the said of take your objectation by other States, is Common wealths in Europe) to complaint of faith a you have implaint in 11. After States, is Common wealths in Europe) to complaint of faith at you have imployed in this ferrice; for the time which hath been fpent in making lanet, and repealing and alterino to. repealing and altering them for often, nor of the charge which that been spent in making in those occasions, the Cristian for often, nor of the charge which the Country hath been painted the charge which the Cristian states are the charge which the Country hath been painted. ing or a ditering them fo often, nor of the charge which the Country hath been parties addition; the Civilian gives you a fatisfactorie reafon of fuch continual alternated addition; the Civilian of the your analysis of the continual alternated

additions Ge: Crefcit in Orbe dolus . The Lamb which were made fuces fively in divers former years, we have reduced and der feweraltheads in an alphabeticall method, thus so they might the mover easily be found, that the divers lawes conversion and intent of the that the direct labes concerning one matter being placed together the frope and itself which which and of every of them matter being placed together the frope and that if direct we have and of every of them me. which and awers lawes concerning one matter being placed together the fcope and intention whole and of every of them might the more easily be apprehended: we milk confight what had been fo exall in alacius which the more easily be apprehended: we milk confight who had been for each in alacius with the more easily be apprehended: one seem of every of them might the more engly be apprehended: We might confige in one been for each in placing every law under its most proper fulle as the might, and would been: the reason was our hallowind. heen: the reason was our halfy indemented its most proper title as we might, and wound teem: the reason was our halfy indemous to satisfie your longing expectation, and fright complaints for many of the k. to reason has our halfy indences to smoot proper title as are not complaints for mant of fach a volume to be published in print: Inheren (upon every occupion you might readily see the release) of the published in print: Inheren (upon every occupion) you might readily fee the rule which you ought to make by. And in this (we hope) you find faiting on the rule which you ought to make by. And in this (we hope) you will find faiting out to walk by. from a facility fee the rule which you ought to malke by. And in this (we hope) you finde fait fallion, by the help of the references under the feverall heads, and the Table which is the week added in the end. For this, the references under the feverall heads, and the Table which is the same of the fall in the end. have added in the end. For fuch labers and orders as are not of generall concernment we have not put the end. For fuch laws and orders at are not of generall concernment we have not put them into this book, but they remain full in force, and are to be feen in the book of the Records of the Cours, but all venerals for the force and are to be feen in the book of force. on partners into this books, but they remain fill in force, and are to be feen in the books, are to be accounted reseals. Surerall lates not heer inferted nor mentioned to be fail of fort

the fe dates: we must now easily upon you to fee them executed; remembring that olded must terb. The execution of the latest you to fee them executed; remembring that olded must remember in a mon-free must be a second or the latest remembring that olded must be the latest remembers and the latest remembers are latest remembers and the latest remembers and the latest remembers and the latest remembers and the latest remembers are latest remembers and the latest remembers and the latest remembers and the latest remembers are latest remembers and the latest remembers and the latest remembers and the latest remembers are latest remembers and the latest remembers and the latest remembers are latest remembers and the latest remembers and the latest remembers are latest remembers and the latest remembers and the latest remembers are latest remembers and the latest remembers a serb, The execution of the law is the life of the law. If one feet of you viz: non-fertill fould object that you had no kend to Readd object that you had no hand in calling ut to this trorte, and therfore think your fact of the law. If one fort of you wise non-true bound to obstience Ge. We said in calling ut to this trorte, and therfore tied life for the control of the fort of the f bound to obedience Ge. We can be er that a full equent, or implicit conjent is of like forething the following the following the state of the forething to the following t this cofe, as an expelle precedent power, for in putting your perform in of life in leading and way of lubitance haste power. for in putting your perform and entare in the leading and way of lubitance haste in the form putting your perform and entare in the leading and way of lubitance haste. tellion and way of Juhijance held forth and exercised within this Jurisdiction, and ellasts into Juhijance held forth and exercised within this Jurisdiction, and we have Juhimit to this Geternment and likmists this Government and is all the wholeform latest throng, and for the common state in all nations and that unan this distributions and that unan this state is all the wholeform latest throng, and for the common state is all the wholeform latest throng, and for the common states is a state to common the common states the common states and that unan this states are common to the common states and the common states are common to the common states are

If any of you meet with common Qui fentite common in the common of the c If any of you meet with Jone lab that feemes not to tend to your particular benefit, of a confider that lawes are made and that feemes not to tend to your particular benefit, of a confider that lawes are made. my any of you meet buth fome that had feemes not to tend to your particular benipment and confider that lates are made with respect to the whole people, and not to each particular and obedience to them man to the whole people, and not to each particular to the whole people, and not to each particular to the whole people, and not to each particular to the whole people. perform and obedience to them must be yelled with respect to the whole people, and not to each parties private advantage, and as thou will, yelled with respect to the common welfart, with advantage, and as thou will, ryen, and oordiente to them must be yilled with respect to the common welfart, not private advantage, and as thou yilled with respect to the common welfart, not advantage; so another must also obedience to the later for common good, but to the dwalf is to be the later for common good, but to the dwalf is the will dead to the later for common good, the own deadle. advantage, and at thou yeilded obedience to the law for common good, but to by thus might be content to bear for one other law for thy good, though to it out doubt thus might be content to bear forms of the father law for thy good, though to defeat of Carlo.

thus must be content to bear converted now for thy good, though to his owner, must be content to bear converted burden and so fulfill the Law of Christ.

That distinction which is a converted with the converted of the converted That distinction which is pur between the Law of Chris.

That distinction which is pur between the Law of Gold and the laws of men, here mare to many as it is millianally the Law of Gold and the laws of men, hallowing, of nare to many at it is might between the Latter of faithful the Latter of methodic for the latter of methodic for the latter of and an administration is of God and that in way of an Ordinance Rom. 13. 1. and war on the eter light of nature in civil national and event light of nature in civil nature in civ the circle ight of notice in circle and in the sy of an Ordinance Rom. 13. The circle ight of notice in circle intitions, and rules gathered from the word of Gad, good (acrosting to those principles). The circle is the symptotic in the circle is the circle in the circle is the circle in the circle in the circle in the circle is the circle in the circle in the circle in the circle is the circle in the circle in the circle in the circle is the circle in the circ Eod (according to these principles) but the same is mediately a law of God, and that it made an Ordinance which all are so to but the same is mediately a law of God, and that in mediately a law of God, and that in the same is mediately a law of God, and that in the same is mediately a law of God, and that in the same is mediately a law of God. an Ordinance which all are to fulmit unto and that for confeience fake. Rom. 13.5.

By order of the Generall Court. JNCREASE NOWEL SECR

Abilitie. Allions. Age. Ana-Baptifts.

#### THE BOOK OF THE GENERAL LAUUES AND LIBERTYES CONCERNING &c:

F ORASMUCH as the free fruition of fuch Liberties, Immunities, priviledges as humanitie, civilitie & christianity call for as due to everie man in his place, & proportion, without impeachmet & infringement hath ever been, & ever will be the tranquillity & flability of Churches & Comon-trealths; & the deniall or depritall therof the diflurbance, if not ruine of both:

It is therfore ordered by this Court, & Authority therof, That no mans life shall be taken away; no mans honour or good name shall be stayned; no mans person shall be arrefted, reftrained, bannished, difmembred nor any wayes punished; no man shall be deprived of his wife or children; no mans goods or estate shal be taken away from him; nor any wayes indamaged under colour of Law or countenance of Authoritie unles it be by the vertue or equity of some expresse law of the Country warranting the same established by a General Court & sufficiently published; or in case of the defect of a law in any particular case by the word of God. And in capital cases, or in cases concerning dismebring or banishmet according to that word to be judged by the General Court [1641

All perfors of the age of twenty one years, and of right understanding & memorie & consensus whether excomunicate, condemned or other, shall have full power and libertic to make their Wills & Testaments & other lawfull Alienations of their lands and estates. [1641]

fee children. All Actions of debt, accounts, flaunder, and Actions of the cafe concerning debts and accounts fluil henceforth be tryed where the Plantiffe pleafeth; fo it be in the jurisdiction of that Court where the Plantiffe, or Defendant dwelleth: unles by confent under both their hands it appeare they would have the case tryed in any other Court, All other Actions shall be tryed within that jurisdiction where the cause of the Action doth

nrife. [1642] 2 It is ordered by this Court & Authoritie therof, That every person impleading another in any court of Affiltants, or County court that pay the fum of ten shillings before his case be entred, vales the court see cause to admit any to fue in forma pauperis. [1642] Fees 10 ft.

J It is ordered by the Authority aforefayd, That where the debt or damage recovered shall amount to ten pounds in every such case to pay sive shillings more, and where it shall amount to twenty pounds or upward there to pay ten shillings more then the first ten shillings, which sayd additions shall be put to the Judgement and Execution to be levied by the Marshall and accounted for to the Treasurer. [1647]

4 In all actions brought to any court the Plantiffe shall have liberty to withdraw his action or to be non-futed before the Jurie have given in their verdict; in which cafe he that a support of the Jurie have given in their verdict; in which cafe he that a support of the person of the lute at another Court. [1641] fee Caufes. fee Records.

It is ordered by this Court & the Authoritie therof, that the age for passing away of lands, or fuch kinde of hereditaments, or for giving of votes, verilicts or fentences in any civil courts or causes, shall be twenty and one years: but in case of chusing of Pull age and Guardions, fourteen years. [1641 1647]

Ana-Baptifts.

Forasmuch at experience hath plentifully deften proved that fince the first arising of the Ana-baptills about a hundred years past they have been the Incendiaries of Common-wealths Gthe Infellors of persons in main matters of Religio, Gthe Troublers of Churches in most places where they have been, & that they who have held the baptizing of Infants ülanful, have usually held other errors or herefees together therwith (though as hereticks use to doe they have concealed the same untill they espited a fit advantage and opportunity to cent them by way of question or seruple) and wheras divers of

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fourth day of the first month and the last fourth day of the eight month from year to year [1633 1634 1636 1638]

For felling all common ferries in a right course both for the Passengers and Owners, it is ordered by this Court and authoritie theref;

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Ferriman's

es they come esc: publick perions &c:

That who oever hath a Ferry graunted upon any passage shall have the fole libertie for transporting passengers from the place where such Ferrie is graunted, to any other ferrie-place where ferrie-boats use to land, and any ferrie-boat that shall land pasfengers at any other Ferrie may not take paffengers from thence if the ferrie-boat of the Men may paff place be ready. Provided this order shall not prejudice the libertie of any that do use to passe in their own or neighbours cannooes or boats to their ordinary labour or busines. Also Ferrimen are allowed to take double pay at such common Ferries after day light is done, and those that make not present pay, being required, shall give their names in writing or a pawn to the Ferriman, or elfe he may complain of fuch before a Magistrate to get fatisfaction . And it is ordered that all the Magistrates and such as are , or from time to time shall be chosen to serve as Deputies of the General Court, with their necesfary attendants riz: a man and a horse at all times, during the time of their being Magistrates or Deputies (and not their whole families) shall be passage-free over all Ferries. Provided where Ferries are appropriated to any, or rented out & so be out of the Countries hands their passage shall be paid by the Countrie. And the Ferrimen of Charls-Riter are allowed for the passage of the Magistrates, Deputies, Grand and petty Juricmen prisoners; Keepers and Marshals, by agreement with them fix pounds per annum. to be paid by the Treasurer.

And wheras men doe passe over the common Ferries in great danger oftentimes , and the Ferrimen excuse themselves by the importanitie of passengers and want of law to inable them to keep due order touching paffengers , its therfore heerby farther ordered;

That no person shall presse or enter into any ferrie-boat contrary to the will of the Ferriman or of the most of the passengers first entred upon payn of ten shillings for every fuch attempt; and that everie Ferriman that shall permit and allow any person to come into his boat against the will of any of the Magistrates or Deputies or any of the Elders shipped in such boat or the greater part of the passengers in the faid boat, shall forfeit for everie person so admitted or received against such their will so declared the fum of twentie shillings. And it shall be in the power of any of the Ferrimen to keep out or put out of his boat any person that shall presse, enter into, or stay in any such ferrie-boat contrary to this Order . And it is farther ordered that all perfons shall be received into fuch ferrie-boats according to their comming, first or last, only all Publick perfons or fuch as goe upon publick or urgent occasions, as Phistians, Chirurgeons and Midwives and fuch other as are called to woemens labours, such shall be transported with the first. [1641 1644 1646 1647] See Colledge.

Wheras divers persons indebted to the Countrie for publick Rates, & others for Fines who for avoiding payment fomtime fell their houses and lands, and fend away their goods to other Plantations, it is therfore ordered by the authoritie of this Court

where no eh; is full perfor attached. That the Treasurer shall graunt Warrant to the Marshall to attach the bodyes of fuch persons & keep them til they make satisfaction; and all such persons as are to pay any fines if they have not lands or goods to be diffreined shall have their bodyes attached to make their bodyes attached. ed to make fatisfaction. Provided that any Court of Affiftants or County Court may discharge any such person from imprisonment if they shall finde them indeed unable to make fatisfaction. [1638]

In what cales he | kindles fire that pay all damages

It is ordered by this Court and the Authoritie therof, that who foever shall kindle any fyres in woods or grounds lying in common or inclosed, so as the same shall run into fuch corn grounds or inclofures; before the tenth of the first month or after the last of the fecond month, or on the last day of the week, or on the Lords day shall pay all damages

and half fo much for a Fine, or if not able to pay then to be corporally punished by Warrant from one Magistrate or the next County Court as the offence shall deferve, corporally not exceeding twenty ftripes for one offence. Provided that any man may kindle fyre transferd in his own ground at any time, fo as no damage come therby either to the Country or any particular person. And whosoever shall wittingly and willingly burn or destroy will berany frame, timber hewed, fawn or ryven, heaps of wood, charcoal, corn, hay, ftraw, constitutional hemp or flax he shall pay double damages.

Fyre, Fift, Fifter-men, Forgerie, Fornication, Freemen &c: Fugitives, Strangers,

Fifb. Fifber-men.

PON the petition of the Inhabitants of Matble-head this Court doth heerby declare that howfoever it hath been an allowed cullom for forreign fiftermen to make Forn Figure tife of fuch Harbours and Grounds in this Countrie as have not been inhabited by English for timber be men, and to take timber and wood at their pleasure for all their occasions , yet in these parts which are now postessed and the lands disposed in proprietie unto severall towns and persons

and that by his Acajettyes grount under the Great Seal of England, It is not now lawfull for any person either Fisherman or other, either Forreiner retailored or of this Countrie to enter upon the lands fo appropriated to any town or person, or to

take any wood or timber in any fuch place without the licence of fuch town or Proprietor: and if any person shall trespalle heerin the Town or Proprietor so injured may take their remedie by Action at law, or may preferve their goods or other interrest by opposing lawfull force against such unjust violence. Provided that it shall be lawfull table for our for such Fishermen as shall be imployed by any Inhabitants in this Jurisdiction in the feverall feafons of the year to make ufeof any of our Harbours and fuch lands as are neer adjoyning, for the drying of their fish or other needfull occasions, as also to have such timber or fire-wood as they shall have necessary use of for their fishing feasons where it

may be spared , so as they make due satisfaction for the same to such Town or Proprietor. [16,6]

Forgerie.

T is ordered by this Court and Authoritie therof, That if any person shall sorge any Deed or conveyance, Testament, Bond, Bill, Releaf, Acquittance, Letter of Attourny or any writing to pervert equitie and justice, he shall stand in the Pillory three severall Lecture dayes and render double damages to the partie wronged and also be distabled to give any evidence or verdict to any Court or Magistrate. [1646]

Fornication.

T is ordered by this Court and Authoritie therof, That if any man fiell commit Pornication with any fingle woman, they shall be punished either by enjoyning to Marriage, or Pine, or corporall punishment, or all or any of these as the Judges in the courts of Affiftants shall appoint most agreeable to the word of God. And this Order to continue till the Court take further order. [1642]

W HERAS there are within this Jurisdiction many members of Churches who to exempt themselves from all publick service in the Common wealth will not come in, to be made Freemen , is is therfore ordered by this Court and the Authoritie therof,

That all fuch members of Churches in the feverall towns within this Jurisdiction Who are torn shall not be exempted from such publick service as they are from time to time chosen to by the Freemen of the feverall towns; as Conftables, Jurors, Select-men and Surveyors of high-wayes. And if any fuch person shall refuse to serve in, or take upon him any fuch Office being legally chosen therunto, he shall pay for every such refusal fuch Fine as the town shall impose, not exceeding twenty shillings as Freemen are lyable to in fuch cases. [1647]

Fugitives , Strangers. T is ordered by this Court and Authoritie therof, That if any people of other nations professing the true Chiftian Religion shall flee to us from the tyranie or oppression of their persecutors, or from Famine, Wars, or the like necessaries and

Hydes & Skins. Hygh-mayes. Idlenes.

25

Harboured

compulsarie cause, they shall be entertained and succoured amongst us according to that power and prudence God shall give us. [1641]

PON complaint of great discreter by the use of the game called Shuffle-board, in houses of common entertainment, wherby much pretious time is fpent unfruitfully and much wast of wine and beer occasioned, it is therfore ordered and enacled by the Authoritie of this Court;

Shuffeboard penalties

That no perfon shall henceforth use the faid game of Shuffle-board in any such house, nor in any other house used as common for such purpose, upon payn for every Keener of such but the house used as common for such purpose, upon payn for every Keeper of fuch house to forseit for every such offence twenty shillings: and for every person playing at the faid game in any such house, to forseit for everie such offence five No gaming fhillings: Nor shall any person at any time play or game for any monie, or mony worth upon the play or game for any monie, or mony pen: of treble worth upon penalty of forfeiting treble the value therof: one half to the partie informing, the other half to the Treasurie. And any Magistrate may hear and determin any offence against this Law. [1646 1647]

Who have power to Heto pardon.

Generall Court. T is ordered, and by this Court declared that the Governour and Deputie Governour land Deputie Governour and D nour joyatly confenting, or any three Affiltants concurring in confent thall have power out of Court to reprive a condemned malefactor till the next Court of Affifiants:
or Generall Court or Generall Court. And that the General Court only shall have power to pardon a condemned malefactor.

None free fet acteres the Major part in Gent Court diffolio es aljourn

Alfo it is declared that the General Court hath libertie and Authoritie to fend forth any member of this Common.wealth, of what qualitie and Authoritie to tenu ever into forrein the common.wealth, of what qualitie and condition or office what/othere into forein parts, about any publick Message or negociation: notwithstanding any office or relation when the state of the state o any office or relation whatfoever. Provided the partie fo fent be acquainted with the affairs he goeth about. affairs he goeth about, and be willing to undertake the fervice .

Nor shall any General Court be dissolved or adjourned without the consent of major part thereof the bed dissolved or adjourned without the consent of the major part therof. [1641] See Gounfell, Courts.

A caffing vote in the Govern and Prefid: in Courts &

T is ordered, and by this Court declared that the Governour shall have a cashing vote when some and the court declared that the Governour shall have a general vote whenfoever an equipote flial fall out in the Court of Allifants, or general folials the Profit Affemblie: for hall the Prefident or Moderatour have in all civil Courts or Affemblies [1641] See Gen: Court

A LTHOUGH no humane power be Lord over the Faith & Consciences of men, and because such as bring in domining them to believe or prosesse against their Consciences; yet because such as bring in domining them to believe or prosesse against their Consciences. because luck a bring in damnable herofes, tending to the subscription of the Christian Faith, and defruition of the Christian Faith, and defruition of the land to the subscription of the Christian Faith. and definition of the foules of men, ought duly to be referented from fuch notorious im-piety, it is thereor and an account of the country of the contribution of the foundation in-

piety, it is therfore ordered and decreed by this Court;

That if any Christian within this Jurisdiction shall go about to subvert and de-y the christian Faith and D. L. ... ftroy the christian Faith and Religion, by broaching or mainteining any dammable herefic; as denving the and Religion, by broaching or mainteining any dammable herefic; as denying the immortalitie of the Soul, or the refurrection of the body, or any fin to be referred of in the new tension of the soul, or the refurrection of the soul. any fin to be referred of in the Regenerate, or any evil done by the outward man be accounted fin: be accounted of in the Regenerate, or any evil done by the outward manifers that affirm that wee are not infifed to that Chrift gave himfelf a Ranforn for our first, or that wee are not infifed to the christian that we have not infifed to the christian to the c affirm that wee are not justified by his Death and Righteoufnes, but by the perfection of our own works; or shall do not be the perfection. of our own works; or shall deny the moralitie of the fourth commandement, or shall deay the moralitie of the fourth commandement, or shall deay the moralitie of the fourth commandement, or the fourth commandement. indexvour to feduce others to any the herifies aforementioned, everie such person continuing obstinate therin after tinuing oblinate therin after due means of coaviction shall be sentenced to Banishment. [1646]

Balliment.

Raw hides.

W HERAS some persons more seeking their own private advantage then the good to the publick doe transferred. Court traffer the publick doe transport rate hydes & pelts, it is ordered and by this Court enaltd, at henceforth no perform and hydes & pelts, it is ordered and by this Court enaltd. That henceforth no person shall deliver aboard any ship or other vessel, it is ordered and by this Court on indirectly any raw hole. . . . to have the ly or indirectly any raw hyde, skin, pelt or leather unwrought with intent to have the fame transported out of this Jurisdiction upon pain to forfeit the same or the value therof . And that no Mafter of any fhip or veifel shall receive any raw hyde , skin, rosten. pelt, or leather unwrought directly or indirectly, aboard his ship or vessel to be so transported upon the like penalty. Provided that any person stranger or other may transport any hydrs or skins brought hither from beyond the seas by way of Merchandize , or the skins of Beaver, Moof, Bear and Otter. [1646]

Hygh-Trayes.

TO the end there may be convenient high-wayes for Travellers, it is ordered by the Authoritic of this Court:

That all common high-wayes shall be such as may be most easie, and safe for travellers : to which purpose everie town (where any such high way is made, or to be made) shall appoint two or three men of the next town, whose Inhabitants have most and and out. occasion thereof, chosen & appointed by their faid town, who shall from time to time lay out all common high-wayes where they may be most convenient; notwithstanding places as any mans proprietie, (fo as it occasion not the pulling down of any mans house, or laying open any garden or orchard): who in common grounds or where the foyle is wet, myrie, or verie rockie shall lay out such high-wayes the wyder, viz: fix, eight, ten or

more rods.

Provided that if any man be therby damaged in his improved ground the town Recompense hall make him reasonable satisfaction by estimation of those of the two towns that layd out the same . And if such persons deputed cannot agree in either case it shall be referred to the County Court of that Shire; or to the Court of Affiftants who shall have Power to hear and determin the Cafe. And if any person finde himselfe justly grieved ed with any act or thing done by the persons deputed aforesaid : he may appeal to the Arrest County Court aforefaid, or to the Court of Affiftants, but if he be found to complain without caufe he shall surely pay all charges of the parties and Court during that Action

and also be fined to the Countrie as the Court shall adjudge. [1639]

2 It is ordered and declared by this Court that the felected Towns men of everie town have power to lay out (by themselves or others) particular and private wayes private and concerning their own town only: fo as no damage be done to any man without due recompence to be given by the judgement of the faid Towns-men, and one or two chosen by the faid Towns-men and one or two chosen by the partie: and if any man shall finde himselfe justly greived he may appeal to the next County Court of that Shire who shall doe justice therin on both hands as in other cases of appeals. [1642]

3 UPON information that divers high-trayes are much annoyed and incumbred by gates and rayls crelled upon them, it is ordered and enacted by the Authorities of this O.

That upon any information or complaint made either to the court of Affiliants, or any county Court or to any Magnitrate of any fuch gates or rayls ereded, or to construct or to any Magnitrate of any fuch gates or rayls ereded, or to construct or to any Magnitrate of any fuch gates of rayls ereded or to construct a large fund. creded upon any common high-way, the fame Court or Magiltrate fhall appoint a secreted Committee of different and indifferent men to view such incumbrance, and to order the reformation theref. And if the parties whom it shall concern shall not submit to such parties. And if the parties whom it shall concern shall not submit to fligh orders, they shall require them to appear at the next Court for that Shire; and also shall require them to appear at the next Court for that Shire; and alforhall certifie the incumbrance found and order by them made, under their hands.

And the conference of the incumbrance found and order by them made, under their hands. unto the faid Court, or appear in person to prosecute the cause; where it shall be heard and determine the faid Court, or appear in person to prosecute the cause; which due respect to the and determined for the case and convenience of Travellers, with due respect to the Proprietors coft and damage, but no performal fland charged with the repair of com-mon hist.

mon high-wayes through his own ground. [1647]

T is ordered by this Court and Authoritie therof, that no person, Housholder or other days of such marillaness other fhall (pend his time idlely or unprofitably under pain of fuch punishment as the Court of Affifants or County Court fhall think meet to inflict. And for this

Imposts.

Condulta cur

this end it is ordered that the Constable of everie place shall use special care and dill gence to take knowledge of offenders in this kinde, efpecially of common coafters, unprofitable fowlers and tobacco takers, and prefent the fame unto the two next Affiltants, who shall have power to hear and determin the cause, or transfer it to the

IIIS Court taking into confideration the great wars, combustions and distinct which are this day in Europe: and that the fame are observed to be rayed and for mented chiefly by the fecret underminings, and folicitations of thofe of the Jejusticall Order, men brought up and devoted to the religion and court of Rome; which hath occoponed diters States to expell them their territories; for prevention wheref among our felves, Itil ordered and an Only of the territories; ordered and enatled by Authoritie of this Court,

That no Jefuit, or fpiritual or ecclefiastical person [as they are termed] ordained by the authoritie of the Pope, or Sea of Rome shall henceforth at any time repair to, or come within this Jurisdiction: And if any person shall be used further that any time the is one of such Societies. And if any person shall give just cause of such sales as he is one of fuch Societie or Order he shall be brought before some of the Magnifrates, and if he capper from him full. and if he cannot free himfelfe of fuch furpicion he shall be committed to prison, or bound over to the next Court of Affidants, to be tryed and proceeded with by Banishment or otherwise as the Court of Affidants, to be tryed and proceeded with by Banishment or otherwise as the Court of Manager and the state of the court of the state of ment or otherwise as the Court shall see cause: and if any person so banished shall be taken the second since the court shall see cause: and if any person so banished shall be taken the fecond time within this Jurisdiction upon lawful tryall and conviction to that the put to death. shall be put to death. Provided this Law shall not extend to any such Jesus, that all or ecclessistal results and the standard to the standard tual or excledificall person as shall be cast upon our shoars, by ship-wrack or other accident. So as he consumed that the cast upon our shoars, by ship-wrack or other accident. cident, for as he continue no longer then till he may have opportunitie of pallage for his departure: nor to any find an his departure; nor to any fuch as shall come in company with any Messenger hither upo publick occasions. upo publick occasions, or any Merchant or Master of any ship belonging to any place not in cmnitie with the second of the second not in emnitive with the State of England, or our felves, so as they depart again with the fame Messenger. Mader or Masses for as they depart again with the fame Messenger. Mader or Masses for the Messenger of fame Mellinger, Mafter or Merchant, and behave themselves in-offensively during their about heer.

Warringes,

T is ordered by Authoritie of this Court that Worroncco upon Conedical lying within this Iuristicing dentity of the Court that Worroncco upon Conedical lying within this Iuristicing dentity. within this Jurisdiction shall be, and be reputed as a part of the town of Springland lyable to all charges. fuld and lyable to all charges there, as other parts of the fame rown, until upon creding fome other Plantaine, as other parts of the fame rown, until upon creding fome other Plantaine, and the parts of the fame rown, until upon creding fome other Plantaine. ing forme other Plantation neer unto it it shall be thought fit by this Court to annex it to fuch new Plantation fuch new Plantation .

Two pence a

It is also accord that the Trading-house at Worronsco and all other Trading housested or to be exact. fes erected or to be erected, mainteined or used within this Jurisdiction, for trading with the Indians only or chiad. with the Indian only or chiefly final be contributarie to all publick and common char-ges, both in Town and Common charges. ges, both in Town and Countrie, and everie fuch person as shall inhabit or trade in any such Trading-house or neet the fund everie such person as shall inhabit or trade in any such Trading-house or neet the fund. Juch Trading, house or neer the fame shall payunto the publick Treasurie (by the hands of such as shall be assured to the fame shall payunto the publick Treasurie (by the hands of such as shall be assured to the shall be a of such as shall be affigued to receive the same) for everieskin of Beaver, Otter, Bear or Moose two pence. And if such any Moofe two pence. And if such person so assigned shall have cause to suggest that any such Trader hath not reven a half information. fuch Trader hath not given a true account of all fuch skins fo traded, he shall inform one of the next Mazistrates there. one of the next mor given a true account of all fuch skins fo traded , he shau unit of the next magifirates therof, who shall send for such Trader and require him to deliver account upon his action, who shall send for such Trader and require him to deliver account upon his oath, which if he shall fend for such Trader and require him to prison or take Bondwith Sunty (with his he shall refuse to doe, he may commit him to prison or take Bondwith Sunty (with his he shall refuse to doe, he may commit him to prison or take Bondwith Sunty (with his heart storage). prifon or take Bond with Suretie for his appearance at the next Court of Affiltants to answer his contempt, and he present his appearance at the next Court of Affiltants to answer his contempt, and he present his appearance at the next Court of Affiltants to answer his contempt.

fwer his contempt, and be proceeded with according to juffice. And it is farther ordered that all fuch skins fo received, by way of trading, in, iter any fuch Trading, for fact any fuch tradin or neer any fuch Trading-house for which the faid Impos of two pence a skin shall not be satisfied within one work after be fattified within one week after demand therof shall be forfeited to the publick Treasurie, or the value therof. Treasurie, or the value therof; to be levied by Warrant from any one Magistrate upon any skins or other poodupon any skins or other goods in such Trading-house. [1647]

2 For the better support of the Government of this Common-wealth and the maintainance of Fortifications for the protedling and fafe-guarding of our Coasts and Harbours, for our felces and others that come to trade with us, it is ordered by this Court and the Au-

thoritie therof . That every person, Merchant, Seaman, or other that shall bring wines into any our Harbours, in any ships or vessels whatsoever (except they come directly from Eng. land as their first Port) before they land any of the faid wines, more or leife, shall first make entrie of as many Buts, Pipes, or other veilels, as they or any of them shall put on hore, by a note under their hands, delivered unto the Officer at his house (who is to receive the Customs) upon pain of forfeiture and confifcation of all fuch wines as are landed before fuch entrie made, wherefoever found, the one halfe to the Countrie, the other halfe to the Officer: and the Merchants or Owners of fuch wines of any kinde, as foon as he lands them, shall deliver and pay unto the faid Officer, what is due for Custom of them about them according to this Order, in wine according to the proportion of the goodnes of the Parcel that is brought in, as the Officer and Owner can agree, to the contentment and fatisfaction of the faid Officer, or elfe the Owner and Officer to nominate a third man who shall put a finall price between them, in point of valuation of the wines for Cuftoms; but if they cannot agree, upon notice from the Officer unto the Treasurer for the

time being, he shall determin the price therof, and being so ordered the Officer and Merchant shall accept therof

And it is farther ordered that he that is the cheife Officer to receive such Customers shall because have under him a Deputie or Deputies who shall be as Searchers or waytors in severall Places to take up fuch wines, by the cheif Officers appointment, and to take notice of what is landed in any place that the Country be not defrauded, who shall have such the recompence as the cheif Officer in his diferetion shall agree with them for, either by the Butt or Pipe or by the year . All wines to pay customs according to these rates following tie: for every Butt or pipe of Fyall wines or any other wines of those Western If lands five hillings. For everie Pipe of Madarie wines fix shillings eight pence. For

everie Butt or Pipe of Sherris fack, Malego or Canarie wines ten fhillings. For Mufcodels, Malmfies and other wines from the Streights ten shillings. For Bastards, Tents & Alligants ten fhillings: and proportionably for greater or leffer veffels of each kinde. For everie Hoghead of French wines two fillings fix pence, and proportionably for

greater or leffer veffels . And for better recovering of any fuch Customs of wines or forfeitures, for not entering according to this Order and for refuging of payment of fuch Customs to the fatisfaction

of the Officer , it is farther ordered,

That the faid Officer hath heerby power and is required to goe into all Houses or Calbanese are when the faid Officer hath heerby power and is required to goe into all Houses or Calbanese. Cellars where he knoweth or suspecteth any wine to be, and from time to time shall feir upon fuch wines as are not entred according to this Order: and alfo feiz upon, and take pollellion of fo much wines as to make payment of what Cultom is due according to the to entries made, and is refused or neglected to be paid in due manner according to this Order

Order. And all Constables and other Officers are hereby required to affith and add Good the Cofficers. the Officer in the discharge of his duty, and helping to break open such Houses or Cellars, if the Owners of fuch wines shall refuse to open their doors or deliver their keys in a Peacable way. And any Smith, Carter, Owner of boat, Porter or other that shall be required by the Officer to put to their hand to help and affile in taking, loading & trans-Porting fuch wines for the use of the Country, and shall refuse or neglect such service for such hire full wines for the use of the Country, and shall refuse or neglect such service for such hire full wines for the use of the Country, and shall refuse or neglect such services full to be due his each wines for the use of the Country, and shall retuse or neglect head of ault, to be separate to the common Treasurie ten shillings for everie such default, to be separate and several hours. And all debts due unto levied by the Conftable by marrant from any one Magistrate. And all debts due unto the Course of the the Countrie for custom of wines, where wines are not to be found, they are to be recovered by we found the found of wines. vered by way of Action, according to a coarfe of law as in other cafes, and this Order wree by Act to be in for

to be in force to recover Customs from all those that have landed wine in this Jurisdiction

on already and not payd Custom.

2 For

Impreffes.

Frefeit.

Indians, Inditements, In-keepers.

29

Unity by Gen Court upti slor Pref free, Sur

from futrion Unitation.

for early and goods. Limitation

Returpests

Who be boy!

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Who may re-firms them fell profuting the

No arms follows Indian or Toursmen 1. out the ence.

en fart for a for the pare der gli.

J It is ordered by this Court and Authoritie therof, that in all places, the English and such others as combating with and such others as co-inhabit within our Jurisdiction shall keep their cattle fro destroying the Indians corn ing the Indians corn, in any ground where they have right to plant; and if any of their corn be destroyed for the corn be destroyed for the corn be destroyed for their corn be destroyed for the corn be destroyed for their corn be destroyed for the corn be destroye their corn be definoyed for want of fencing, or hearding; the town shall make satisfaction, and shall have remark to fencing, or hearding; the town shall make satisfaction, and shall have remark to occafaction, and stall have power among themselves to lay the charge where the occa-tion of the damage did and fion of the damage did arife. Provided that the Indians shall make proof that the cattle of such a town, farm, or perfon did the damage. And for encouragement

Improfice.

T is ordered, and by this Court declared, that no man shall be compelled to any publick work, or fervice, unlesse the Presse be grounded upon some act of the General Court; and have reasonable allowance therfore; nor shall any man be compelled in person to any office, work, wars, or other publick service that is necessarily and fufficiently exempted, by any natural or personal impediment; as by want of years, greatnes of age, defect of minde, failing of fenfes, or impotencye of lims. Nor flall any man be compelled to go out of this Jurisdiction upon any offensive wars, which this Common-wealth, or any of our freinds or confederates shall voluntarily undertake but only upo fuch vindictive and defensive wars, in our own behalf, or the behalf of our

freinds and confederates; as shall be enterprized by the counsell, and confent of a General Court, or by Authoritie derived from the fame. Nor shall any mans cattle of goods of what kinde foever be preffed, or taken for any publick use or service; unless it be by Warrant grounded upon some act of the General Court : nor without such facts forable prizes and hire as the ordinarie rates of the Countrie doe afford . And if his cattle or goods shall perish, or suffer damage in such service, the Owner shall be sufficiently ently recompenced. [1641]

Imprifonment.

T is ordered, and by this Court declared; that no mans person shall be referenced bird or imprisoned by any authoritie whatfoever before the Law hath fentenced him therto: if he can put in sufficient securitie, Hayle or Mainprize for his appearance, and good behaviour in the mean time: unles it be in crimes Capital, and contempt in open Court, and in such cases where some expresse of Court doth allow it. [1641]

T is ordered by Authoritie of this Court; that no person what soever shall hence forth buy land of any Indian, without licence first had & obtained of the General Court: and if any shall offend heerin, such land so bought shall be forfeited to the

Nor shall any man within this Jurisdiction directly or indirectly amend, repair, or cause to be amended or repaired any gun, small or great, belonging to any Indian, nor shall indeavour the same. Nor shall sell or give to any Indian, directly or indirectly anyluch our continuous and indian, directly or indirectly anyluch our continuous and indian continuous and rectly anyfuch gun, or any gun-powder, flot or lead, or flot-mould, or any militaric weapons or armony, or any gun-powder, flot or lead, or flot-mould, or any militaric weapons or armour; upon pays of ten pounds fine, at the leaft for everif such offence, and that the court of Affia... and that the court of Affiliants shall have power to increase the Fine; or to impose cor-porall punishment subsets. porall punishment (where a Fine cannot be had) at their diferetion

It is also ordered by the Authoritie aforesaid that everie town shall have power to rein all Indians from the Authoritie aforesaid that everie town shall have power to refrein all Indians from profaning the Lords day. [1633 1637 1641]

2 Wheras is appeareth to this Court that notwithflanding the former Laws, made a sinffelling of rom

gainfielding of funs, powder and downstion to the Indians, they are yet supplyed by in-direct means. It is therefore and downstion to the Indians, they are yet supplyed by indirect means, it is therfore ordered by this Court and Authoritie thereof That if any person after publication heerof, shall fell, give or barter any gun of s, powder, bullets that a publication heerof, shall fell, give or barter merson in

guns, powder, bullets, that or lead to any Indian whatforeer, or unto any perion in habiting out of this lumits, the or lead to any Indian whatforeer, or unto any perion in habiting out of this lumits. habiting out of this Jurisdiction without licence of this Coart, or the court of Alli-taats, or fome two Manifeston without licence of this Coart, or the court of Allitants, or forme two Magistrates, he shall forfeit for everie gun so fold, given or bar-tered ten poundar and for the shall forfeit for everie gun so fold, given pound tered ten pounds; and for everie pound of powder five pounds; and for everie pound of bullets, floot or lead for an annual pound of powder five pounds; and for everie pound of bullets, floot or lead for everie pound of powder five pounds; and for everie pound of bullets, floot or lead for the pounds. of bullets, floot or lead fourty fitlings: and for proportionably for any greater or lefter quantitie. [\$642]

of the Indians toward the fencing in of their corn fields, fuch towns, farms or persons, whose cattle may annoy them that way , shall direct, affict and help them in felling of they as Fertrees, ryving, and sharpening of rayls, & holing of posts: allowing one English-man to three or more Indians. And shall also draw the fencing into place for them, and allow one man a day or two toward the fetting up the fame, and either lend or fell them tools to finish it . Provided that such Indians, to whom the Countrie, or any town hath given, or shall give ground to plant upon, or that shall purchase ground of the English shall sence such their corn fields or ground at their own charge as the English doe or should doe; and if any Indians refuse to sence their corn ground (being rendred help as aforefaid) in the prefence and hearing of any Magistrate or felected Townsmen

being met together they shall keep off all cattle or lose one half of their damages. And it is also ordered that if any harm be done at any time by the Indians unto the English in their eattle; the Governour or Deputie Governour with two of the Assistants Indiana bartor any three Magistrates or any County Court may order satisfaction according to law sandson

and juffice . [1640 1648]

Confidering that one end in planting these parts was to propagate the true Religion unto the Indians : and that divers of them are become subjects to the English and have ingaged themselves to be willing and ready to understand the Law of God , it is therfore ordered and decreed,

That fuch necessary and wholfom Laws, which are in force, and may be made from time to time, to reduce them to civilitie of life shall be once in the year (if the times be fafe) made known to them, by fuch fit perfons as the General Court shall no-

minate , having the help of fome able Interpreter with them . Confidering alfo that interpretation of tongues is appointed of God for propagating the Trush: and may therfore have a bloffed successe in the hearts of others in due scason, it is

therfore farther ordered and decreed That two Ministers shall be chosen by the Elders of the Churches everie year at the Court of Election, and so be fent with the confent of their Churches (with whomfoever will freely offer themfelves to accompany them in that fervice) to make known the beautiful freely offer themfelves to accompany them in that fervice) to make known as Reigen the heavenly counfell of God among the Indians in most familiar manner, by the help

of fome able Interpreter; as may be most available to bring them unto the knowledge of the truth, and their converfation to the Rules of Jefus Christ. And for that end that formthing be allowed them by the General Court, to give away freely unto those Indians whom they shall perceive most willing & ready to be instructed by them. And it is farther ordered and decreed by this Court; that no Indian shall at any Assart dain time powars, or performe outward worthing to their falle gods; or to the devil in any Pare of our Jurisdiction; whether they be fuch as shall dwell heer, or shall come hi-

ther; and if any shall transgresse this Law, the Palmaner shall pay five pounds; the Procurer five pounds; and every other countenancing by his prefence or otherwise being of age of diferetion twenty (hillings . [1646]

F any person shall be indicted of any capital crime (who is not then in durance) & shall refuse to render his person to some Magustrate within one month after three Proclaimations publickly made in the town where he usually abides, there being a month betwirt Proclaimation and Proclaimation, his lands and goods shall be feized to the to the use of the common Treasurie, till he make his lawfull appearance. And such withdrawing of himfelfe shall stand in stead of one wittness to prove his crime, unles he can make it appear to the Court that he was necessarily hindred. [1646]

In-keepert, Tippling, Drunkener. RORASMUCH as there is a necessary use of houses of common entertainment in every Common recalls, and of fuch as retail wine, beer and viduals; yet because there are so many abuses of that langfull libertie, both by persons entertaining and persons enter-lained tained, there is also need of first Laws and Rules to regulate such an employment: It is therfore ordered by this Court and Authoritie therof;

Voltateler, Cook Vintari he: without Lornor

That no person or persons shall at any time under any pretence or colour whatfoever undertake to be a common Victualier. Keeper of a Cooks shop, or house for common entertainment, Taverner, or publick feller of wine, ale, beer or strongwater (by re-tale), nor shall any fell wine privatly in his house or out of doors by a leffe quantitie, or under a quarter cask : without approbation of the felected Townsmen and Licence of the Shire Court where they dwell: upon pain of forfeiture of five pounds for everie fuch offence, or imprisonment at pleasure of the Court, where satis-

faction cannot be had. Siene

And every person so licenced for common entertainment shall have some inoffenfive Signe obvious for strangers direction, and fuch as have no such Signe after three months fo licenced from time to time shall lose their licence; and others allowed in No beer above their flead . And any licenced person that felleth beer shall not fell any above twopence the ale-quart; upon penaltie of three shillings four pence for everie such offence. And it is permitted to any that will to fell beer out of doors at a pennie the ale-quart out of doors of 1 d. a quart and under .

In-holders

Neither shall any such licenced person aforesaid suffer any to be drunken, or drink excellively viz: above half a pinte of wine for one person at one time; or to continue tippling above the space of half an hour, or at unseasonable times, or after nine of the clock at night in, or about any of their houses on penaltie of five shillings for everie fuch offence

Penalty of dribbnes to fa

And everie person found drunken viz: so that he be therby bereaved or disabled in the use of his understanding, appearing in his speech or gesture in any the faid house es or elsewhere shall forfeit ten shillings. And for excessive drinking three shillings four pence. And for continuing above half an hour tippling two shillings fix pence. And for tippling at unfeafonable times, or after nine a clock at night five stillings: for everie offence in these particulars being lawfully convict therof . And for want of payment such shall be imprisoned untill they pay: or be set in the Stocks one hour or more [in some open place] as the weather will permit not exceeding three hours at

Smeka Previla

Provided notwithstanding such licenced persons may entertain sea-faring men, or land travellers in the night-feafon, when they come first on shore, or from their journy for their necessarie refreshment, or when they prepare for their voyage or journie the nie the next day early; fo there be no diforder among them; and also Strangers, Lodgers or other persons in an orderly way may continue in such houses of common entertainment during meal times, or upon lawfull busines what time their occasions shall

The laws fur-

Nor shall any Merchant, Cooper, Owner or Keeper of wines or other persons that have the government of them fuffer any person to drink to excesse, or drunkenes, in any their wine-Cellars, Ships, or other vessels or places where wines doe lye; on pain to forfeit for each perfon fo doing ten shillings .

Seeld offered double penal. Third offen: Whipping, flocks.

And if any person offend in drankenes, excessive or long drinking the second time they shall pay double Fines. And if they fall into the same offence the third time they shall not state the shall be that is thall pay treble Fines. And if the parties be not able to pay the Fines then he that is found drunk shall be punished by whipping to the number of ten stripes: and he that offends in excellive or long drinking shall be put into the stocks for three hours when the weather may not hazzard his life or lims. And if they offend the fourth time Fourth of the they shall be imprisoned untill they put in two sufficient Sureties for their good

And it is farther ordered that if any person that keepeth, or heerafter shall keep a common house of entertainmen, shall be lawfully convicted the third time for any offence against his. offence against this Law: he shall (for the space of three years next enturing the faid Conviction) be disabled to keep any such house of entertainment, or fell wine, beer or the like; unles the Court aforefaid shall fee cause to continue them.

It is farther ordered that everie In-keeper, or Victualer shall provide for the

entertainment

of strangers horses viz: one or more inclosures for Summer and hay and provender for Winter with convenient stable room and attendance under penaltie of two shillings fix Provide for pence for everie dayes default, and double damage to the partie therby wronged (except it be by inevitable accident.

And it is farther ordered by the Authoritie aforefaid, that no Taverner or feller of Visines. wine by retale, licenced as aforefaid shall take above nine pounds profit by the Butt or Pipe of wine, (and proportionably for all other veffels) toward his wast in drawing and otherwife: out of which allowance everie such Taverner or Vintner shall pay fifty pay 10 fa. ] shillings by the Butt or Pipe and proportionably for all other veilels to the Countrie. Countries. For which he shall account with the Auditor general or his Deputie every fix months

and discharge the same . All which they may doe by selling six pence a quart in retale (which they shall no time exceed) more then it cost by the Butt, beside the benefit of their art and mysterie which they know how to make use of . And everie Taverner or Vintner shall give a true account and notice unto the Auditor or his Deputie of everie vessell of wine he buies from time to time within three dayes; upon pain of forfeiting the fame or the value therof .

And all fuch as retale frong waters shall pay in like manner two pence upon everie Two prints a quart to the use of the Country, who also shall give notice to the Auditor or his Deputie of everie cafe and bottle or other quantitie they buy within three dayes upon payn

of forfeiture as before . Alfo it is ordered that in all places where week day Lectures are kept, all Taverners, Victuallers and Tablers that are within a mile of the Meeting house, shall from Cant houses time to time clear their houses of all persons able to goe to the Meeting, during the learner time time of the exercise (except upon extraordinary cause, for the necessarie refreshing of strangers vexpectedly repairing to them) upo pain of five shillings for every such offence over and besides the penalties incurred by this Law for any other disorder .

It is also ordered that all offences against this Law may be heard and determined by any one Magifrate, who shall heerby have power by Warrant to fend for parties, Ore Magifrate to and witneffes, and to examin the faid witneffes upon oath and the parties without outh, concerning any of these offences: and upon due conviction either by view of the faid Magistrate, or affirmation of the Constable, and one sufficient witnes with circumftances concurring, or two witnesses, or confession of the partie to levie the faid Fines levies. feverall fines, by Warrant to the Constable for that end, who shall be accountable to

the Auditor for the same. And if any person shall voluntarily confesse his offence against this Law in any persons the particulars therof, his oath shall be taken in evidence and stand good against any

other offending at the same time. Laftly, it is ordered by the Authoritie aforefaid that all Conftables may, and shall from time to time duly make fearch throughout the limits of their towns upon Lords Candi fearth dayes, and Lecture dayes, in times of Exercise; and also at all other times, so oft as they shall fee cause for all offences and offenders against this Law in any the pariculars therof . And if upon due information, or complaint of any of their Inhabitants, or other eredible persons whether Taverner, Utetuailer, Tabler or other; they shall refuse or neglect to make search as aforesaid, or shall not to their power perform all other things belonging to their place and Office of Constableship: then upon complaint and due proof before any one Magistrate within three months after such refusal or neglect; they shall be fined for everie such offence ten shillings, to be levied by the Marthal as in other cases by Warrant from such Magistrate before whom they are convicted, or Warrant from the Treasurer upon notice from such Magistrate . [1645]

1646 1647] See Gaming, Licences. Iuries , Iurors. T is ordered by this Court and Authoritie therof, that the Conftable of everie town upon Proces from the Recorder of each Court, shall give timely notice to the Freemen of their town, to choof fo many able discreet men as the Proces shall direct

Leather.

Juries for Ventire ascording to fa

which men so chosen he shall warn to attend the Court whereto they are appointed, and shall make return of the Proces unto the Recorder aforesaid: which men to cho fen shall be impannelled and sworn truly to try betwirt partie and partie, who shall finde the matter of fact with the damages and colls according to their evidence, and the Judges shall declare the Sentence (or direct the Jurie to finde) according to the law. And if there be any matter of apparent equitie as upon the forfeiture of an Obligation, breach of covenant without damage, or the like, the Bench shall determin such matter

Equitie and law in the lame cafe Tryall for life

2 Nor shall any tryall passe upon any for life or bannishment but by a special Jurie so summoned for that purpose, or by the General Court.

Juries for may be for

3 It is also ordered by the Authoritic aforesaid that thereshall be Grand-Juries surmoned everie year unto the feveral Courts, in each Jurisdiction; to inform the Court of any middemeanours that they shall know or hear to be committed by any person of persons what some state they shall know or hear to be committed by any person of the persons whatsoever within this Jurisdiction. And to doe any other service of the Common-wealth that according to law they shall be injoyned to by the faid Courts and in all cases what according to law they shall be injoyned to by the faid clearly and in all Cafes wherin evidence is fo obscure or desective that the Jurie cannot clearly and fafely give a refusive time to the state of the state Peditive word. Non-liquet and fafely give a politive verdict, whether it be Grand, or Petry Jurie, it fluil have libertie to give a Novike verdict, whether it be Grand, or Petry Jurie, it fluil have libertic to give a Non liquet or a special verdict, in which last, that is, a special verdict the independent of the Control o the judgement of the Caufe shall be left unto the Bench. And all Jurors shall have libertie in matters of the Caufe shall be left unto the Bench. And all Jurors shall have mysent in Partial venta hbertie in matters of fact if they cannot finde the main ifue yet to finde and prefent in their verdic for much a. their verdict fo much as they can.

Der teist

4 And if the Bench and Jurors shall so differ at any time about their version that either of them cannot proceed with peace of conficience, the Cafe shall be referred to the General Court who are the General Court who shall take the question from both and determin it.

furie in their unce a year

5 And it is farther ordered that whenfoever any Jurie of tryalls, or Jurots are not clear in their judosman. clear in their judgements or conferences, concerning any Cafe wherin they are to give their verdict, they that have been supported by the concerning any Cafe wherin they have they that their verdid, i, they shall have libertic, in open Court to advise with any man they shall think fit to resolve on the open freethink fit to refolve or direct them, before they give in their verdict. And no Free-man shall be compelled a compelled them, before they give in their verdict. And no Freeman final becompelled to ferve upon Juries above one ordinary Court in a year; except Grand-jurie mon and furth cepe Grand-jurie men, who shall hold two Courts together at the least, and such others as shall be surmout at the least, and such others as fall be furnmoned to ferve in case of life and death or bannishment. [1634]

Furreiners libertie.

T is ordered, and by this Court declared; that every person within this Jurisdiction, whether Inhabitation and law that diction, whether Inhabitant or other shall enjoy the same justice and law that meral for this Jurisdiction which is general for this Jurisdiction which wee conflitute and execute one towards another, in all cases proper to cour committee wee conflitute and execute one towards another. in all cases proper to our cognisance without partialitie or delay. [1641]

T is ordered, and by this Court declared; that all our Lands and Heritages shall be free from all Fines and I is be free from all Fines and Licences upon alienations, and from all Hariots, Ward-Licences, Primerleising, Variation of the primerleising, Variations, and from all Hariots, Ward-the upon the Bips, Liveries, Primerfeizins, year, day and wast, Efchears and for mall Hariots," the death of Parents or Ancesters, but and that for death of Parents or Ancesters, be they natural, unnatural, casual or judicial and that for ever. [1641] See Abiline. Fig. 1.

ever. [1641] See Abilisie, Efcheats, Strangers.

HIS Court taking into ferious confideration the feveral deceits and abuses which in the places have been and furtiers and other places have been and are commonly practiced by the Tanners, Curriers and cres of leather, as also the above workers of leather, at also the above and inconveniences which acrue to the several members of this Common wealth half, and inconveniences which acrue to the several members of this Common wealth half, and inconveniences which acrue to the several members of this Common wealth half, and inconveniences which acrue to the several members of this common wealth half, and inconveniences which acrue to the several members of the several m bers of this Common health, by leather not sufficiently tanned and wrought, which is 6-coftoned by the negligence and many litter, not sufficiently tanned and wrought, which is 6-to the negligence and many litter, in 6 cofound by the negligence and unstillfulnes of those feverall trades mentwhich before, in & after it is in the hands of the Transfer of those feverall trades mentwhich before, in the hands of the Transfer of those feverall trades mentwhich before the for preventions. ofter it is in the hands of the Tanner may be much bettered or impaired, for preven-tion where, it is ordered by the Tanner may be much bettered or impaired, for prevention where, it is ordered by this Court and the Authoritie thereo;

That no person using or occupying the feat or mysterie of a Butcher, Currier, of shoe-maker Shoe-maker by himselfe or any other, shall use or exercise the feat or mysterie of a Tanner on pain of forfeiture of fixfiillings eight pence for everie hyde or skin by or Shoren him or them to tanned whileft he or they shall use or occupie any of the mysteries aforefaid .

Nor shall any Tanner during his using the faid trade of tanning, use or occupie the feat or myfterie of either Butcher , Currier or Shoo-maker by himfelf or any other upon pain of the like forfeiture .

Nor shall any Butcher by himself or any other person gash or cut any hyde of ox, bull, fleer, or cow in fleaing therof, or otherwise wherby the same shall be charactered impaired or hurt, on pain of forfeiture for everie fuch gath or cut in any hyde or skin twelve pence .

Nor fliall any person or persons henceforth bargain, buy, make any contract, or befpeak any rough hyde of ox, bull, fleer or cow in the hair, but only fuch persons Raugh hyde

as have and doe use and exercise the art of tanning Nor shall any person or persons using, or which shall use the mysterie or facultie of tanning at any time or times heerafter, offer or put to fale any kinde of leather,

which shall be insufficiently or not throughly tanned, or which shall not then have been after the tanning therof well and throughly dryed, upon pain of forfeiting for much of his or their faid leather as by any Searcher or Sealer of leather lawfully ap-Pointed shall be found insufficiently tanned, or not throughly dryed as aforefaid.

Nor shall any person or persons using or occupying the mysterie of tanning, Leaber tallet any their Fats in tan-hills or other places, where the woozes or leather put to hard tan in the fame shall or may take any unkinde heats; nor shall put any leather into France and hor any hot or warm woozes whatfoever on pain of twenty pounds for everic fuch

Nor shall any person or persons using or occupying the mysteric or facultie of currying, currie any kinde of leather, except it be well and throughly tanned; nor fall learning that the well and throughly tanned; nor half "is, currie any kinde of leather, except it be well and the wet featon; in which we then the well and the we feafon he shall not use any stale, urin, or any other deceitfull or subtil mixture, thing, way or means to corrupt or hurt the fame : nor shall currie any leather meet for utter fole leather with any other then good hard tallow, nor with any leffe of that then the leather will receive: nor shall currie any kinde of leather meet for upper eather and inner foles, but with good and fufficient fluffe, being fresh and not falt, and throughly liquored till it will receive no more: nor fhall burn or feald any hyde or leather in the currying, but shall work the same sufficiently in all points and respects; on pain of forfeiture for everie such offence or act done contrary to the true meaning of this O... his evil workmanship or of this Order the full value of everie such hyde marred by his evil workmanship or handling, which shall be judged by two, or more sufficient and honest skilfull persons, compare skilfull persons. Perfons, Curriers or others, on their oath given to them for that end by any Affiftan. Affiftant .

And everie town where need is,or shall be, shall choose one or two persons he most be. of the most honest and skilfull within their feveral Townships, and present them unto the County Court, or one Magistrate who shall appoint and swars from the faid persons by their airs. by their difference on Magistrate who shall appoint and swear the law as a oft as their difference on their difference on their difference on their difference of their limits as oft as they foul as on to make search and view within the Precincts of their limits as oft as they foul their difference of their limits as oft as their difference of their limits as often as their difference of their limits as the difference of their limits as their difference of their limits as their difference of their limits as the difference as they shall think good and need shall be, who shall have a Mark or Seal prepared by each. the fame, and therewith final feal fuch leather as they final finde fufficient in all points wish.

and no other And if the faid Searchers, or any of them fluil finde any leather fold, or offered which fluil be tanned. to bend if the faid Searchers, or any of them fluid fines any reach that be tanned, brought, or offered to be fearched or fealed, which fluid be tanned, brought, or offered to be fearched or fealed, which fluid be tanned, brought, or offered to be fearched or fealed, which fluid meaning of this Order, brought, converted or used contrary to the true intent and meaning of this Order, it shall be it shall be it shall be it shall be it. it flad be lawfull for the faid Searchers, or any of them to feir all fuch leather and to retain. and to retain the fame in their custodie, until fuch time as it be tryed by such Tryers, and